

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

MIGUEL ANGEL DELGADO,

Plaintiff,

v.

**CIVIL ACTION NO. 3:04CV29
(BROADWATER)**

**EDWARD RUDLOFF, Administrator;
LIEUTENANT BENJAMIN SHREVE;
FIRST SERGEANT COOK AND
EMPLOYEES OF THE EASTERN
REGIONAL JAIL;**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated July 27, 2005. On August 8, 2005, the defendants filed objections to the Report. Therefore, in the interests of justice and in accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted. The Court further **ORDERS** that Defendants' Motion to Dismiss or in the Alternative for Summary Judgment (**Docket # 22**) is hereby **DENIED**.

The Clerk is directed to transmit true copies of this Order to the plaintiff and all counsel of record herein.

DATED this **29th** day of September 2005.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE

